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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,411	06/07/2001	Geoffrey Foote	SYN-099	7705
29906	7590	08/18/2004	EXAMINER	
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251			BAUTISTA, XIOMARA L.	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/877,411

Applicant(s)

FOOTE ET AL.

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,14-19,21-23,30-34 and 36-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-7,14-19,21-23,30-34 and 36-74 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/9/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1 and 2 are too dark, which makes elements and important details in the drawings difficult to see and understand. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the

detailed description of the invention (page 8, lines 15-17) specifies that figures 1 and 2 are Prior Art but this information is not included in the brief description of the drawing figures. Correction is required.

### ***Reasons for Allowance***

4. Claims 1-3, 5-7, 14-19, 21-23, 30-34, and 36-74 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 17, 33, and 74 have been carefully considered. Prior art of record does not teach or fairly suggest a compact device having a user interface and including a display screen for reporting position information and communicating with an activating object disposed in a touching state or a proximate non-touching state; displaying data in response to the activating object being in the proximate non-touching state for a selected time period; and hiding a portion of displayed data in response to the activating object being in the touching state as recited in claims 1 and 74; and controlling the data on the display screen to hide second data responsive to the activating object being in a proximate non-touching state as recited in claims 17 and 33.

Hardin (US 4,817,034) discloses a digitizer pad that produces location information when the cursor is in the touching state and a proximate non-touching state.

Louis et al (US 6,674,425 B1) discloses a touchpad that displays data

when a pressure sensitive surface is physically contacted by a user's finger or stylus.

Rafii et al (US 6,614,422 B1) discloses a method for entering digital data to a portable device. The portable computer can highlight an image of a key as the key is touched or the user's finger is sufficiently close to touching the key, and as the key is pressed or typed upon, the device can highlight the key using a different color or contrast.

Kent et al (US 6,492,979 B1) discloses a method for discriminating against false touches in a touchscreen system. Kent teaches that the use of the force sensor eliminates the possibility of responding to a touch prior to actual touch, that is, when the user's finger or hand is merely close to the screen but not yet touching the screen.

Greanias et al (US 5,149,919) discloses a stylus sensing system having a contact detecting mode has been added to eliminate false contact position measured between strokes when the stylus is proximate to but not in contact with the overlay.

Hardin, Louis, Rafii, Kent, and Greanias fail to teach hiding a portion of data when the cursor is in a touching state, and hiding second data when the cursor is in the proximate non-touching state.

***Conclusion***

6. This application is in condition for allowance except for the following formal matters:

The formal matters of the drawing objections as in lacking a Prior Art label and preparing new drawings for figures 1 and 2.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

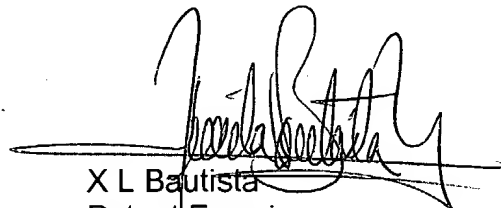
Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding

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is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'X L Bautista', is written over a horizontal line.

X L Bautista  
Patent Examiner  
Art Unit 2179

xl  
August 16, 2004